

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e., claims 1-2, 4, 6-10, 14, 43-47, 50, 70-72) is respectfully requested in view of the foregoing amendments and the following remarks.

Initially, the Examiner objected to the Declaration apparently because the pronoun "we" was used instead of the pronoun "I". This was even though the Declaration named joint inventors. Although Applicants believe this is a mere formality which could be waived, Applicants have attached a new Declaration.

The Examiner then rejected the claims as being anticipated by Fishbane, U.S. Patent No. 5,122,145. Applicants have amended the independent claims to recite the structure shown in FIGS. 5-10 of the application. The three cam locks claimed are not taught or suggested by Fishbane which shows two set screw type locking elements which structure does not permit the easy substitution of guiding tools on the leading end of the device. Applicants have claimed their three cam locks which allow for adjustable movement in rotation and translation and allows for the substitution of tools on the apparatus.

Attached find an Information Disclosure Statement listing other applications and patents filed by an inventor/inventors of the present application and assigned to Howmedica Osteonics Corp.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 09/974,524

Docket No.: OSTEONICS 3.0-415

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: January 28, 2008

Respectfully submitted,

By 

Raymond W. Augustin

Registration No.: 28,588

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicants

LD-447\